PS 8-4 US-ISR

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Department of State

TELEGRAM

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ACTION SS 70

INFO CIAE 00 /070 W

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FM AMEMBASSY TEL AVIV
TO SECSTATE WASHDC 4387

C O N F I D E N T I A L TEL AV 4799

LIBERTY REPARATIONS

REF: TEL AVIV 4798 - PS 8-4 US-ISR

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY G.M. Razi DATE 2/10/77 (released in full based on 1994 Walsh/Sharp case)
RDS ☐ or XDS ☐ EXT. DATE
TS AUTH. REASON(S)
ENDORSE EXISTING MARKINGS ☐
DECLASSIFIED ☑ RELEASABLE ☑
RELEASE DENIED ☐
FOIA or PA EXEMPTIONS
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1. GOI NOTE (TEXT SENT REFTEL) IS DISAPPOINTING IN NEGATIVENESS AND OBDURACY, BEARING OUT APPREHENSIONS WHICH PROMPTED OUR TACTICAL SUGGESTIONS IN A-981, JUNE 25.

2. NOTE STATES GOI WOULD, OF COURSE, STUDY CAREFULLY ANY ADDITIONAL EXPLANATIONS AND MATERIAL US MIGHT WISH TO SUBMIT TO OVERCOME ISRAELI CONCLUSION THAT GOI IS NOT LIABLE FOR DAMAGE CLAIMED IN OUR NOTE OF JULY 1. ONLY GROUNDS STATED FOR THIS CONCLUSION, HOWEVER, ARE QUOTE VARIOUS INQUIRIES CARRIED OUT BOTH IN ISRAEL AND THE US UNQUOTE. POSSIBLY AMONG THESE ARE DISCLOSURE IN US THAT COMMUNICATIONS ERROR PREVENTED ORDERS TO CHANGE POSITION FROM REACHING LIBERTY EXPEDITIOUSLY AND INFO CURRENT HERE THAT SHIP WILL NOT BE REPAIRED COMPLETELY BUT WILL BE MOTHBALLED.

3. EMBASSY DOES NOT BELIEVE THAT GOI DENIAL OF LIABILITY CAN BE ALLOWED TO STAND, ESPECIALLY IN VIEW OF COMMITMENT IN ISRAELI AMBASSADOR'S NOTE OF JUNE 10, 1967 IN WHICH GOI ASSURED US IT WAS PREPARED TO QUOTE MAKE AMENDS FOR THE TRAGIC LOSS OF LIFE AND MATERIAL DAMAGE UNQUOTE. EMBASSY SUGGESTS THAT DOCUMENTARY EVIDENCE MENTIONED THIRD PARA DEPT A-437, JUNE 19 BE FORWARDED AS SOON AS POSSIBLE AND THAT IT BE TRANSMITTED TO GOI UNDER COVER OF NOTE REJECTING ISRAELI CONTENTION OF NON-LIABILITY.

4. GOI NOTE ALSO SAYS THAT PAYMENT FOR DEATH CLAIMS ALREADY MADE WAS MOTIVATED BY HUMANITARIAN CONSIDERATIONS. GOI

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NOTE OF MAY 27, WHICH TRANSMITTED CHECK, STATED THAT PAYMENT DID NOT CONSTITUTE AGREEMENT WITH PRINCIPLES US USED TO CALCULATE CLAIMS AND WAS WITHOUT PREJUDICE TO LEGAL POSITION OF GOI. NEW NOTE CLAIMING PAYMENT WAS MADE ON HUMANITARIAN BASIS SEEMS PART OF EFFORT TO MOVE GOI FROM POSITION OF LEGAL LIABILITY TO ONE OF EX GRATIA HUMANITARIANISM. EMBASSY BELIEVES THIS POINT ALSO SHOULD NOT BE ALLOWED TO STAND AND SHOULD BE ANSWERED IN OUR NEXT NOTE BY REFERRING AGAIN TO GOI COMMITMENT TO MAKE AMENDS FOR MATERIAL DAMAGE AS WELL AS LOSS OF LIFE.

5. TO REINFORCE OUR OVERALL POSITION, BELIEVE CLAIMS FOR PERSONAL INJURIES SHOULD BE SUBMITTED AS SOON AS POSSIBLE.

GP-3. BARBOUR

NOTE: HANDLED LIMDIS PER S/SO.

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